



June 25, 1999

Mr. Burk Roberts
City Attorney
Roberts & Roberts, L.L.P.
P.O. Box P
Killeen, Texas 76540

OR99-1764

Dear Mr Roberts:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125726.

The Harker Heights Police Department (the "department") received an open records request for all criminal records pertaining to four named individuals. We note at the outset that to the extent that the requestor is seeking all department records in which the named individuals are identified as a "suspect," the requestor, in essence, is asking that the department compile those individuals' criminal histories.

Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. The department, therefore, must withhold all incident reports or other police records in which the referenced individuals have been identified as a suspect.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/eaf

Ref.: ID# 125726

encl. Submitted documents

cc: Ms. Christina S. Wagoner
3603 11th Avenue
Vienna, West Virginia 26105
(w/o enclosures)